

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ARISTA RECORDS LLC; ATLANTIC  
RECORDING CORPORATION; BMG  
MUSIC; CAPITAL RECORDS, INC.;  
CAROLINE RECORDS, INC.; ELEKTRA  
ENTERTAINMENT GROUP, INC.;  
INTERSCOPE RECORDS; LAFACE  
RECORDS LLC; MAVERICK RECORDING  
COMPANY; SONY BMG MUSIC  
ENTERTAINMENT; UMG RECORDINGS,  
INC.; VIRGIN RECORDS AMERICA, INC.;  
WARNER BROS. RECORDS INC.; and  
ZOMBA RECORDING LLC,

Plaintiffs,

vs.

USENET.COM, INC.,

Defendants.

Civil Action No. 07-CIV-8822(HB)

**DECLARATION OF GERALD REYNOLDS IN SUPPORT OF  
DEFENDANT USENET.COM, INC.'S MOTION TO DISMISS FOR LACK  
OF PERSONAL JURISDICTION, OR ALTERNATIVELY, TO TRANSFER**

I, Gerald Reynolds hereby declare the following to be true under penalty of perjury:

1. My name is Gerald Reynolds. I reside in Fargo, North Dakota.
2. I am an adult. I am the founder and director of Defendant Usenet.Com, Inc. ("Usenet.com"), a Nevada corporation with its principal and only place of business located in Fargo, North Dakota. The facts set forth herein are based upon my personal knowledge.
3. This declaration is submitted in support of Defendant Usenet.Com, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction, or Alternatively, to Transfer.

4. The domain name, "Usenet.com," was registered in 1994, and it has been in operation since that time.

5. Usenet.com does not own or lease any property in New York State. Usenet.com does not have an office in New York State, nor does it have a telephone listing in New York State. Usenet.com does not have any employees in New York State. Usenet.com is not registered to do business in New York State. Usenet.com does not maintain a bank account, nor is it obligated to pay taxes, in New York State.

6. The computer servers through which Usenet.com operates are not, and have never been, located in New York State.

7. With the exception of this lawsuit, Usenet.com has never been a party to any lawsuit in a New York state or federal court.

8. Usenet.com has never purposefully directed or specifically targeted any advertising, promotional materials, or other activities of any nature at New York State residents. Likewise, the Usenet.com website does not specifically target New York State residents.

9. Usenet.com does not obtain a substantial amount of its subscription sales from New York residents. Usenet.com's subscription sales to residents of New York comprised approximately 3.4% to 4.5% of Usenet.com's total subscriptions for the period 2002 through November 2007, and are currently less than 3.4% of total sales.

I declare under penalty of perjury that the foregoing is true and correct, and that this Declaration is sworn to this 5th day of December, 2007, in Fargo, North Dakota.

  
Gerald Reynolds